

**Notice of Allowability**

Application No.

10/603,572

Applicant(s)

DEAN, JASON A.

Examiner

Art Unit

CUONG H. NGUYEN

3661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to THE AMENDMENT RECEIVED ON 5/16/06.
2. ☒ The allowed claim(s) is/are 1-10,21-30; claims 21-30 are renumbered as claims 11-20. Formal drawings were accepted on 6/25/03.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

CUONG H. NGUYEN  
Primary Examiner  
Art Unit: 3661

### **DETAILED ACTION**

1. This Office Action is the answer to the telephonic interview conference on 5/12/06, and amendment received on 5/16/06.

#### **Status of the claims**

2. Claims 1-10, and 21-30 are pending.

#### ***Drawings***

3. Formal drawings (in 11 pages) were acceptable by the examiner on 6/25/03.

#### ***Allowable Subject Matter & Reasons for Allowance***

4. Independent claim 1 is patentable over closest references of Airey in combination with Keller because they do not anticipate nor fairly and reasonably teach a programmable robotic apparatus, besides other limitations, comprising:
  - a control module in electrical communication with said drive system, said control module configured to command the operation of each tread; and an electronic compass module that response only to directional magnetic Earth (not from GPS), said electronic compass module in electrical communication with said control module, said compass module configured to discern an orientation of said programmable robotic apparatus, wherein said electronic compass module is configured to discern an orientation relative to the magnetic field of the planet Earth based on an analysis of at least one directional component of said magnetic field.

This is not an obvious invention against a combination of Keller's invention with Airey's directional components because Keller uses GPS as a navigation system, the signal broadcast by a GPS satellite as Keller's disclosure does not involve directional

components of Earth magnetic fields; that signal is not responsive to a magnetic field, and operate acceptably in the absence of a magnetic field (i.e., for a lawn-mower robot).

5. Dependent claims 2-10, and 21-30 are allowed because they are dependent on independent claim 1.

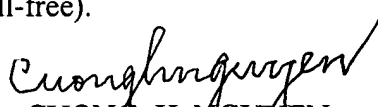
***Conclusion***

6. Claims 1-10, and 21-30 are patentable. Claims 21-30 are renumbered as claims 11-20 (in that order).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661

5/29/06